## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Norfolk Division

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PHILLIP WALKER,	)	
Petitioner,	)	
	)	
v.	)	Civil Action No.: 2:14-cv-449
	)	
HAROLD W. CLARKE, Director,	)	
Virginia Department of Corrections,	)	
	)	
Respondent.	)	
	)	

## FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, the *pro se* Petitioner claimed that he was actually innocent and that he was denied effective assistance of counsel.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Eastern District of Virginia Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation filed on May 28, 2015, the Magistrate Judge recommended that the Court grant the Motion to Dismiss and dismiss the Petition, finding the Petitioner's claims to be time-barred. ECF No. 9. The parties were advised of their right to file written objections to the Report and Recommendation. Neither party filed an objection, and the time to do so has expired.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and ADOPTS and

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APPROVES the Report and Recommendation, ECF No. 9, in its entirety as the Court's own

opinion. Accordingly, the Respondent's Motion to Dismiss, ECF No. 4, is GRANTED, and the

Petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** 

that judgment be entered in favor of the Respondent.

The Petitioner is notified that he may appeal from the judgment entered pursuant to this

Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E.

Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty

(30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a

substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and

Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of

appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of

record for the Respondent.

It is so **ORDERED**.

July 392015

Norfolk, Virginia

Date:

Raymond A. Jackson

United States District Judge

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